

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

OAKWOOD LABORATORIES, LLC,)	Case No. 3:17-cv-05090-PGS-LHG
)	
Plaintiff,)	JUDGE PETER SHERIDAN
)	MAGISTRATE JUDGE LOIS GOODMAN
vs.)	SPECIAL MASTER MARK FALK
)	
DR. BAGAVATHIKANUN THANOO, et al.,)	<u>Motion Date: November 7, 2022</u>
)	
Defendants.)	Oral Argument Requested

**RESPONSE TO DEFENDANTS' MOTION TO COMPEL COMPLIANCE WITH
SUBPOENA DUCES TECUM TO THIRD-PARTY PHARMASOPHIA, LLC**

Third-Party PharmaSophia, LLC c/o Paracorp Incorporated ("PharmaSophia"), by and through its undersigned counsel, hereby responds (the "Response") to *Defendants' Motion to Compel Compliance with Subpoena Duces Tecum to Third-Party PharmaSophia, LLC* (the "Motion") and in support thereof avers as follows:¹

1. On July 19, 2022, the Court entered the *Order Appointing Special Master* (the "Order") [D.I. 144]. The Order appointed the Honorable Mark Falk, U.S.M.J. (Ret.) (the "Special Master") as special master in this matter to, *inter alia*, "address and resolve all pending and future discovery disputes and non-dispositive motions." Order at ¶ 2(a).

2. The Order further provides that the Special Master "shall have the sole discretion to determine the appropriate procedure for resolution of all assigned tasks..." *Id.* at ¶ 12.

3. To date, the parties to this matter have, by agreement, submitted letter briefs regarding matters requiring the Special Master's intervention via e-mail to the Special Master without a noticed hearing date.

¹ PharmaSophia's Response is strictly predicated upon procedural grounds. PharmaSophia explicitly reserves all rights, and waives none, relative to its ability to respond to the substance of the Motion in accordance with procedures set forth by the Special Master.

4. On October 14, 2022, Defendants filed the Motion via CM/ECF with a noticed hearing date of November 7, 2022.

5. The subject matter of the Motion – seeking to compel compliance with a subpoena *duces tecum* – clearly falls within the scope of the Special Master’s responsibilities as set forth in the Order.

6. PharmaSophia files this Response to note that Defendants’ handling of the Motion is outside the bounds of the Order.

7. PharmaSophia respectfully requests that the Court either strike the Motion as being improperly filed or refrain from taking action upon the Motion in favor of allowing the Special Master to set forth the procedures applicable thereto in accordance with the Order.

8. PharmaSophia explicitly reserves all rights, and waives none, relative to its ability to respond to the substance of the Motion in accordance with procedures set forth by the Special Master.

WHEREFORE, based upon the foregoing, PharmaSophia, LLC, respectfully requests that the Court strike the Motion as being improperly filed or refrain from taking action upon the Motion in favor of allowing the Special Master to set forth the procedures applicable thereto.

Dated: October 24, 2022

BENESCH, FRIEDLANDER,
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